

AN ACT

relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.124 to read as follows:

Sec. 264.124. DAY CARE FOR FOSTER CHILD. (a) In this section, "day care" means the assessment, care, training, education, custody, treatment, or supervision of a foster child by a person other than the child's foster parent for less than 24 hours a day, but at least two hours a day, three or more days a week.

(b) The department, in accordance with executive commissioner rule, shall implement a process to verify that each foster parent who is seeking monetary assistance from the department for day care for a foster child has attempted to find appropriate day-care services for the foster child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the foster parent must provide to the department to demonstrate compliance with the requirements established under this subsection.

(c) Except as provided by Subsection (d), the department may not provide monetary assistance to a foster parent for day care for

1 a foster child unless the department receives the verification
2 required under Subsection (b).

3 (d) The department may provide monetary assistance to a
4 foster parent for a foster child without the verification required
5 under Subsection (b) if the department determines the verification
6 would prevent an emergency placement that is in the child's best
7 interest.

8 SECTION 2. Section 264.755, Family Code, is amended by
9 adding Subsections (d) and (e) to read as follows:

10 (d) The department, in accordance with executive
11 commissioner rule, shall implement a process to verify that each
12 relative and designated caregiver who is seeking monetary
13 assistance or additional support services from the department for
14 day care as defined by Section 264.124 for a child under this
15 section has attempted to find appropriate day-care services for the
16 child through community services, including Head Start programs,
17 prekindergarten classes, and early education programs offered in
18 public schools. The department shall specify the documentation the
19 relative or designated caregiver must provide to the department to
20 demonstrate compliance with the requirements established under
21 this subsection. The department may not provide monetary
22 assistance or additional support services to the relative or
23 designated caregiver for the day care unless the department
24 receives the required verification.

25 (e) The department may provide monetary assistance or
26 additional support services to a relative or designated caregiver
27 for day care without the verification required under Subsection (d)

1 if the department determines the verification would prevent an
2 emergency placement that is in the child's best interest.

3 SECTION 3. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 430 passed the Senate on March 21, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 430 passed the House on May 17, 2013, by the following vote: Yeas 132, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor